

4-803. Claim of exemptions on execution.

[For use with district, magistrate and metropolitan court rules of civil procedure 1-065.1, 2-801, 3-801]

STATE OF NEW MEXICO

COUNTY OF _____

[_____ JUDICIAL DISTRICT COURT]

[_____ COURT]

_____, Plaintiff

v

No. _____

_____, Defendant

CLAIM OF EXEMPTIONS ON EXECUTION

A JUDGMENT HAS BEEN ENTERED AGAINST YOU. ALL OF THE PROPERTY YOU POSSESS MAY BE SEIZED AND SOLD TO PAY THIS JUDGMENT. YOU MUST COMPLETE AND RETURN THIS FORM WITHIN TEN (10) DAYS TO CLAIM ANY STATUTORY EXEMPTION FROM THIS SEIZURE AND SALE.

(check only applicable boxes)

Part I. Homestead exemption

(This part is for use only in the district court)

- [] Judgment debtor owns, leases or is purchasing a dwelling house which judgment debtor occupies and is entitled to hold exempt a homestead in the amount of sixty thousand dollars (\$60,000) under Section 42-10-9 NMSA 1978.

Part II. Exemption in lieu of homestead exemption

(Parts II and III are for use in the district court, magistrate court and metropolitan court)

- [] Judgment debtor is a resident of this state who does not claim a homestead exemption, but claims an exemption of real or personal property in the amount of five thousand dollars (\$5,000) under Section 42-10-10 NMSA 1978. The property claimed to be exempt is as follows:

LIST PROPERTY

STATED VALUE

_____	\$ _____
_____	\$ _____

(Attach additional page if necessary)

Part III. Personal property exemptions

Unless the judgment debtor files a written waiver of exemption, the sheriff may not seize the judgment debtor's personal clothing, furniture or books.

In addition to the property claimed or listed as exempt above, the judgment debtor hereby claims the following exemptions:

(check only applicable boxes)

- ☐ personal property worth up to \$500

LIST ITEMS

STATED VALUE

\$ _____

(Attach additional page if necessary)

- ☐ tools of the trade worth up to \$1,500.

Occupation of judgment debtor: _____

LIST ITEMS

STATED VALUE

\$ _____

(Attach additional page if necessary)

- ☐ one motor vehicle worth up to \$4,000 or that amount of equity in a more valuable vehicle

MAKE, MODEL AND YEAR OF VEHICLE

FAIR MARKET VALUE

\$ _____

Amount of any lien on vehicle: \$ _____ .

- ☐ jewelry worth up to \$2,500

LIST JEWELRY ITEMS

STATED VALUE

\$ _____

(Attach additional page if necessary)

- ☐ medical-health equipment being used for the health of the claimant or a member of the household of the claimant and not in a profession; *(Attach separate sheet setting forth items claimed and the name of the household member and the medical condition of the member.)*

- ☐ pensions or retirement funds;

- ☐ not more than \$5,000 in benefits from a benevolent association of which the judgment debtor is a member;

- ☐ building materials not financed by the judgment creditor in this action as provided by Section 48-2-15 NMSA 1978;
 - ☐ a partner's interest in specific partnership property subject to the limitations of Section 54-1-25 NMSA 1978;
 - ☐ worker's compensation benefits subject to the limitations of Section 52-1-52;
 - ☐ occupational health benefits as provided by Section 52-3-37 NMSA 1978;
 - ☐ unemployment compensation benefits subject to the limitations of Section 51-1-37 NMSA 1978 for necessities furnished while the debtor was unemployed and child support;
 - ☐ public assistance and welfare benefits;
 - ☐ cash surrender values and benefits of life insurance contracts;
 - ☐ payment from life, accident and health insurance policies or annuity contracts;
 - ☐ crime victims' reparation fund payments;
 - ☐ fraternal benefit society benefits;
 - ☐ the minimum amount of shares necessary for certain cooperative associations subject to the limitations provided by Section 53-4-28 NMSA 1978;
 - ☐ the debtor's membership interest in the property of a club or association pursuant to Section 53-10-2 NMSA 1978;
 - ☐ oil and gas equipment not financed by the judgment creditor to be used for purposes for which it was purchased as provided by Section 70-4-12 NMSA 1978;
 - ☐ allowances to surviving spouse and children from estate of a deceased estate subject to the limitations of Sections 45-2-401 and 45-2-402 NMSA 1978;
- THIS LIST MAY NOT BE COMPLETE. YOU MAY CLAIM ANY OTHER EXEMPTION PERMITTED BY LAW BY COMPLETING THE FOLLOWING:**
- ☐ other exemption (*specify*) _____

I am aware of my exemption rights:

☐ I desire to claim my exemption rights

☐ I waive my right to claim my exemption rights to the following property

LIST ITEMS

STATED VALUE

\$ _____

(Attach additional page if necessary)

I understand that by waiving my statutory right to exempt property, this property may be seized and sold.

YOU MUST RETURN A COMPLETED AND SIGNED COPY OF THIS FORM TO THE CLERK OF THE COURT WHOSE ADDRESS IS SHOWN BELOW. YOU MUST ALSO SERVE A COPY ON THE JUDGMENT CREDITOR.

_____, _____

Signature of judgment debtor

Return to clerk of the court

Name of court

Printed name of judgment debtor

Address

Street address or P. O. box

City, state & zip code

City, state & zip code

Telephone number

USE NOTE

The judgment creditor may dispute any of the claimed exemptions. If the judgment creditor disputes claimed exemptions and files a request for hearing on the claimed exemptions, the clerk will schedule a hearing on the claimed exemptions.

[As amended, effective January 1, 1986; July 1, 1992; May 1, 1994; January 1, 1996; as amended by Supreme Court Order No. 09-8300-005, effective May 6, 2009.]